

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

MDL No. 2859

ZIMMER M/L TAPER HIP PROSTHESIS OR M/L TAPER
HIP PROSTHESIS WITH KINECTIV TECHNOLOGY AND
VERSYS FEMORAL HEAD PRODUCTS LIABILITY
LITIGATION

18-MD-2859 (JMF)
1:20-CV-2358(JMF)

This Document Relates to:

*Dennis McMillan v.
Zimmer, Inc., et al.*

**~~PROPOSED~~ ORDER
REGARDING
PLAINTIFF'S EXPERTS**

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This matter having been presented to the Court jointly by Plaintiff Dennis McMillan
("Plaintiff") and the Zimmer Defendants, and for good cause shown, it is hereby ORDERED:

1. Consistent with Order No. 66 (MDL Dkt. 581), Plaintiff cannot disclose any
liability and causation experts in this matter other than the experts he disclosed in his Rule
26(a)(2) disclosures served on July 14, 2024 (MDL Dkt. 597) – specifically Sreevathsa Boraiah,
M.D., and Richard L. Salzer, Jr., M.D.


2. Pursuant to the Case Management Plan and Scheduling Order in this matter
(MDL Dkt. 650), Plaintiff may supplement the expert reports of Dr. Boraiah and Dr. Salzer, Jr. –
limited to addressing any additional discovery occurring from the date of the Case Management
Plan and Scheduling Order (MDL. Dkt. 650) – by March 14, 2025.

3. Pursuant to the Case Management Plan and Scheduling Order in this matter
(MDL Dkt. 650), any motion to exclude the testimony of experts pursuant to Rules 702-705 of
the Federal Rules of Evidence and the *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S.
579 (1993), line of cases, and any motion to dismiss, exclude, or for summary judgement

pursuant to Rule 26 of the Federal Rules of Evidence are to be filed within thirty (30) days of the close of expert discovery.

SO ORDERED.

Dated: October 28, 2024
New York, New York



JESSE M. FURMAN
United States District Judge